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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 129/95

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 149 OF 1995
TRANSFER APPLN. NO. OF 1995
CONTENT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PET. NO. OF 1995 (IN OA NO.)

..... G. C. Borman & ors. APPLICANT(S)

-VS-

..... M. O. I. ... Respondent(S)

FOR THE APPLICANT(S) ... MR. J. L. Sankar
MR. M. Chanda
MR.
MR.

FOR THE RESPONDENTS ... MR. S. Ali, & ors.

OFFICE NOTE

DATE

ORDER

11-8-95

This application is in
form and within time
F. of Rs. 50/-
deposited vide
PO/BD No. 326398
dated 22.7.95

R-1
9/8
Mr. Registrar (A)

30.10.95
copy of order dtd.
11.8.95 issued to all
concerned vide D/No.
4852-4856 Dtd. 9.11.95.

g/b.

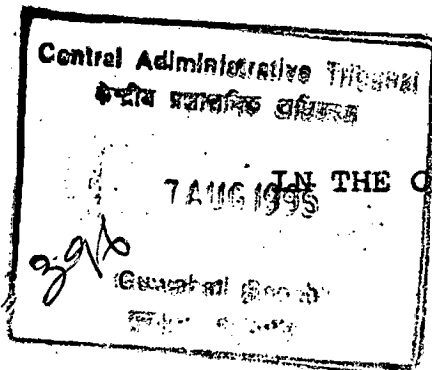
Mr. M. Chanda for the applicants.
Application is totally misconceived as
reliefs are directed only for quashing
the appointment of respondent No.4
without claiming any relief for the
applicants themselves as they would
~~claim~~ to be entitled the consequent
upon quashing the appointment of
respondent No.4. The relief of declara-
tion sought cannot be granted in
isolation, as the applicants have not
disclosed any grievance relating to
themselves in aid of which the declara-
tion is necessary. We are therefore,
inclined to reject the application as
not maintainable. However at the request
of Mr. M. Chanda ^{he is} allowed to withdraw ~~the~~
to enable the applicants to adopt appro-
priate remedies ~~is~~ if they are aggrieved
by any action of appointment ~~their~~
affecting ^{their} any legal rights. ~~but that event~~
liberty is granted to appoint ~~the~~
contentious now raised.

Vice-Chairman 11-8-95

Member

lm

11/8/95



3
File d by The appli-
cant through M.
Chandra. Advocate.
7.8.95.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

An application under section 19 of the central Administrative Tribunal Act, 1985.

O.A. No. 149/95

Sri Ganesh Chandra Barman & Ors.

..... Applicants

-Versus-

Union of India & Others

..... Respondents

I N D E X

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2	1	Estt.Order No.243/92 dt. 31.8.92	16-18
3	2	Estt.Order No.144/94 dt. 16.5.94	19-21
4	3	Estt.Order No.249/95 dt. 4.8.95	-22-
5	4	Estt.Order No.222/95 dt.17.7.95	23
6	5	Appointment Order dt. 4.8.95	24-27

Filed by :-

Received copy.

Advocate

Recd
Sr. C.A. SC
878295

Ganesh Ch. Barman

2. Particulars of the Applicants

1. Shri Ganesh Chandra Barman
Son of Late Bhupen Chandra Barman
2. Shri Ramen Kumar Das
Son of Shri Anadhiram Das
3. Shri Khagen Baishya
Son of Shri Nabin Baishya
4. Shri Pabitra Kumar Nath
Son of late Srikanta Nath

..... Applicants

All the 4 applicants are serving as Group 'D' Sepoy, under the Commissioner, Customs and Central Excise, Shillong and presently posted in the office of the Assistant Commissioner, Customs and Central Excise, Guwahati.

2. Particulars of the Respondents

1. Union of India
through the Secretary to the Govt. of India
Department of Revenue
Ministry of Finance,
New Delhi
2. Commissioner of Central Excise,
Shillong.

Ganesh ch. Barman

3. Additional Commissioner (P&V)
Customs & Central Excise,
Shillong

4. Smt. Lidaris Syiemiong,
Office of the Commissioner of
Customs and Central Excise,
Shillong

..... Respondents

3. Particulars for which this application is made.

This application is made against the Establishment Order No. 222/95 dated 17.7.95 and also against the appointment order of Smt. Lidaris Syiemiong issued under Office Memorandum No. 11/31/7/E.T.II/90 dated 4.8.1995, appointing her as Assistant Librarian, against the vacant post of Lower Division Clerk.

4. Jurisdiction

That the applicants declare that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation.

That the applicants further declare that this application is filed within the period of limitation prescribed under Section 21 of the Administrative Tribunals Act.

Ganesh Ch. Barma

6. Facts of the Case

6.1 That the applicants are citizens of India and as such they are entitled to all the rights and privileges guaranteed by the Constitution of India. All the applicants are serving as Group 'D' Sepoy, under the Commissioner, Customs and Central Excise, Shillong and presently posted as Group 'D' Sepoy in the Office of the Assistant Commissioner, Customs and Central Excise, Guwahati. *The Hon'ble tribuned be, pleased to grant Permission to move this application jointly, under rule 4(5) (a) of CAT, 1985.*

6.2 That all the applicants have passed Matriculation Examination and they are eligible for consideration of appointment to the post of Lower Division Clerks.

6.3 That your applicants initially joined under Collector, Customs & Central Excise as Sepoy on different dates and also acquired the requisite qualification for promotion to the posts of Lower Division Clerks. The detail particulars are given below :

Name of the applicant	Educational qualification	Date of initial appointment as Sepoy	Date of passing exam. for Gr.D officers for promotion to the grade of L.D.C.
1. Ganesh Ch. Barman	Matriculation Examination passed	March, 1987	16.5.1994
2. Ramen Kr. Das	-do-	11.8.1983	31.8.1992
3. Khagen Baishya	-do-	18.3.81	31.8.92
4. Pabitra Nath	-do-	8.11.1983	31.8.92

Ganesh Ch. Barman

6.4 That all the 4 applicants being eligible for appearing in the promotion Examination for Lower Division Clerks. They have appeared in the Promotion Examination and declared successful by the respondents. The applicant No. 2, 3 and 4 appeared in the promotion Examination held on 14th & 15th April, 1992 and applicant No. 1 appeared in the promotion Examination held on 20th & 21st December, 1993 and all the applicants were declared successful vide establishment order No. 249/92 dated 31st August, 1992 and also vide Establishment Order No. 144/94 dated 16.5.1994 and after declaration of aforesaid result of promotion examination, the applicants are waiting for their turn for promotion to the post of Lower Division Clerks.

Copy of the Establishment Order No. 249/92 dated 31.8.1992 and Establishment Order No. 144/94 dated 16.5.94 are enclosed as Annexure 1 and 2 respectively

6.5 That Smt. Lidaris Syiemiong, wife of late Peter Lyngdoh, Ex-Inspector, Customs and Central Excise, Shillong who expired while on duty, she was appointed by the respondents as Lower Division Clerk (in short L.D.C.) ⁴⁻³⁻¹⁹⁹² On the ~~year~~ 1993, although she was a non-mature candidate with an undertaking from her, that she would acquire the requisite qualification within a period of two years, i.e. respondent No. 4 is required to pass Matriculation Examination within a period of two years for regular

Original
delivered

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appointment of her service in the cadre of L.D.C. but unfortunately she could not acquire the requisite qualification for regular appointment to the post of L.D.C. on compassionate ground.

6.6. That the appointment of respondent No.4 to the post of L.D.C. was terminated with effect from 7.8.95 (F/N) vide Establishment Order No.249/95 dated 4.8.1995 as she could not acquire requisite educational qualification. It is further stated in the termination order that the same is issued in concurrence with Ministry's communication F. No. -A-12012/25/94-Ad-III-B dated 29.4.1995.

A copy of the termination Order issued under Establishment Order No. 249/95 is enclosed as Annexure-3.

6.7 Most surprisingly, respondent No. 2 vide Establishment Order No. 222/95 dated 17.7.95 wherein it is stated that in exercise of powers vested vide Ministry's letter No. A-12012/45/90-AD-III-B dated 10.4.90 a supernumary post of Library Assistant in the pay scale of Rs. 950-20-1150-EB-25-1500 is created in view of extra-ordinary circumstances, arising out of compassionate appointment case of Ms Lidaris Syiemiong, wife of late Peter Lyngdoh, Ex-Inspector of Customs and Central Excise, Shillong who expired while on duty. It is also stated that for being eligible, to be appointed in the said post, the

Ganesh ch. Barman

incumbent will have to have of Book Keeping and proficiency in basic account keeping and english. It is further stated in the said order that consequent upon the above creation 1 (one) post of L.D.C. from compassionate appointment quota is hereby diverted as ~~matching~~ saving. . This decision of the Commissioner of Central Excise, is highly illegal, contradictory, arbitrary and violative of the Government Policy, instruction and rules for compassionate appointment as well a-s this decision has adversely affected the promotion prospect of the present applicants as well as other similarly situated Employees, of Group 'D' category who are waiting in the que for long time for promotion to the post of L.D.C. Therefore this decision of the Commissioner issued under Establishment Order No. 222/95 dated 17.7.95 be set aside and quashed.

A copy of the Establishment Order No.222/95 dated 17.7.95 is enclosed as Annexure-4.

6.8 That Surprisingly respondent No. 4 is further appointed as Library Assistant in the scale of pay of Rs. 950-1500/- vide Office Memorandum No. 11/31/7/E.T.II/90 dated 4.8.95 although ^{she} is not having requisite qualification for the post of Library Assistant in the scale of Rs. 950-1500/-.

Ganesh ch. Badman

Moreover, one post of L.D.C. is diverted for creation of the said post of Library Assistant in the scale of pay of Rs. 950-1500/-, whereas, in the Establishment Order No. 222/95, it is also stated that a supernumary post of Library Assistant is created, if the supernumary post is created in that event there was no question of diversion of the post of L.D.C. for supernumary post of Library Assistant. The order itself is contradictory, and the same is violative of policy, instruction/rule of Central Government for appointment of compassionate ground. Therefore the appointment of respondent No. 4 to the post of Library Assistant is liable to be set aside and quashed.

A copy of the appointment letter dated 4.8.95 is enclosed as Annexure-5.

6.9 That the present applicants hereby make it clear that they are not against the compassionate appointment of respondent No. 4 if the same is made in accordance with rules but the present application is made against the diversion of 1 post of L.D.C.

whereby the promotion prospect of the present applicants have adversely affected, as a result of diversion of 1 post of L.D.C. for creation of the post of Library Assistant to accommodate respondent No. 4 in violation of all rules, regulation and

Ganesh Ch. Barman

policy of decision for compassionate ~~favouratism~~ ^{appointment} ~~appointment~~, which already establishes malafide, favouritism on the part of the respondents.

Further, the applicants beg to state that the respondent No. 4 has already availed two years of relaxation on compassionate appointment to the post of L.D.C. therefore further two years of relaxation to the post of Library Assistant on compassionate appointment cannot be extended in accordance with rules. The action of the respondents is highly illegal malafide, favouritism and unfair.

6.10 That the applicants beg to state that very recently Smt. Promila Narzary, wife of late Jyothi Ranjan Narzary, Ex-Inspector of Customs and Central Excise, who died while on duty, was appointed in the cadre of Group D with effect from 19.7.1995, as Smti Promila Narzary, not having requisite qualification for appointment on compassionate ground in the cadre of L.D.C. but she was not given a-ny opportunity in the cadre of Group C post like respondent No. 4. Therefore it appears that further ^{appointment} ~~post~~ of Library Assistant, in the scale of Rs. 950-1500 diverting 1 post of L.D.C. is arbitrary, discriminatory and violative of rules of compassionate appointment as such the appointment order dated 4.8.95 is liable to be set aside and quashed.

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6.11 That the rule for compassionate appointment clearly states that on compassionate appointment relevant recruitment rule must be followed, and the educational qualification may be temporarily relaxed for a period of two years, but if the candidate cannot acquire the prescribed qualification then the service must be terminated. The relevant rule of compassionate appointment clearly states that the appointment on relaxation of educational qualification on compassionate ground can be made for a period of two years only.

Therefore it is quite clear that after a period of 2 years educational qualification cannot be relaxed for compassionate appointment, but in the instant case, to avoid the compassionate appointment rule, laid down by the Govt. in the case, of respondent No. 4 the respondent No. 2 very clearly created a post of diverting Library Assistant ~~diverting~~ one post of L.D.C. without considering the far reaching adverse effect, in the matter of promotion prospect of the applicants who are waiting for a very long time for promotion in the cadre of L.D.C.

The applicant/beg to state that educational qualification cannot be relaxed for a period of 3rd year as per rule for compassionate appointment but the same is violated in the instant case of compassionate appointment. The authorities should have appointed the respondent No.4 in the cadre of Group 'D' post on compassionate ground, like Smt. Promila Narzary.

Ganesh Ch. Barman

6.12 That the applicant beg to state that when supernurary post of Library Assistant is created, then the question of diverting 1 post of L.D.C. for the same does not arise. Therefore the establishment order dated 17.7.95 is contradictory itself but the same was issued with the intention to favour the respondent No.4 by the respondent No. 2. In this connection it may be stated that there is no fixed quota of compassionate appointment, however, the appointment is made from direct recruitment quota even then the applicants are adversely affected as because proportionate promotion quota of L.D.C. would also be reduced as a result of diversion of 1 post of L.D.C. Therefore order dated 17.7.95 be set aside and quashed as because the interest of the applicant has adversely affected.

6.13 This application is made bonafide and for the cause of justice.

7. Reliefs prayed for

Under the facts and circumstances stated above the applicants pray for the following reliefs :

1. That the Establishment order No. 222/95 dated 17.7.95 (Annexure-4) be set aside and quashed.
2. That the appointment order issued under letter No.249/95 dt. 4.8.95 (Annexure-3) be set aside and quashed.

Ganesh Ch. Barmam

Or

3. That the Hon'ble Tribunal be pleased to declare that the diversion of 1 post of L.D.C. for creation of the post of Library Assistant for appointment of Respondent No. 4 for 3rd consecutive year without having requisite qualification is illegal and violative of compassionate appointment scheme issued by the Govt. of India.
4. Cost of the case

The above relief is prayed on the following amongst other

- G R O U N D S -

1. For that the applicants are available and waiting for promotion to the post of L.D.C. after passing the Promotion Examination.
2. For that the illegal appointment of respondent No. 4 for the 3rd consecutive year without having requisite qualification on compassionate ground in the cadre of Group 'C' post is highly illegal and arbitrary.
3. For that diversion of 1 post of L.D.C. for creation of the post of Library Assistant to accommodate respondent No. 4, have ^{ultimately} ~~indefinitely~~ reduced the total number of vacant post of L.D.C., thereby promotion

Ganesh Ch. Berman

prospect of the applicants also reduced to the extent of 1 post.

4. For that when supernumary post of Library Assistant is created therefore diversion of 1 post of L.D.C. is illegal.
5. For that the post of Library Assistant is analogous to the post of L.D.C. and belonged to Group 'C' category where Matriculation is essential educational qualification but the respondent No. 4 could not acquire the same within a stipulated period of 2 years as per rules. Therefore, further appointment to the post of Library Assistant and further relaxation of two years for compassionate appointment is illegal.
6. For that respondent No. 3 acted malafide by appointing respondent No. 4 for the period of 3rd year without having requisite educational qualification.
7. Interim Reliefs prayed for.

That the appointment order dated 4.8.95 (Annexure-3) issued in favour of respondent No. 4 be stayed till disposal of this instant application.

Ganesh Ch. Balmon

The above prayer is made on the grounds explained in para 7 of this application.

9. That the present applicants declare that they have not filed any other application before any other Court or Tribunal on this subject.

10. That there is no any other rule/law save and except filing the application before this Hon'ble Tribunal.

11. Particulars of the Postal Orders :

- | | | |
|----|------------------|--------------------|
| 1. | Postal Order No. | : 326398 |
| 2. | Date of Issue | : 22/7/95 |
| 3. | Issued from | : G.P.O., Guwahati |
| 4. | Payable at | : G.P.O., Guwahati |

12. Index of documents are enclosed

13. Enclosures

As per Index.

Ganesh Ch. Barman

V E R I F I C A T I O N

I, Shri Ganesh Ch. Barman, Son of late Bhupen Chandra Barman, resident of Guwahati do hereby declare and verify the statements made in paragraphs 1 to 13 of this application are true to my knowledge, And belief. I have not suppressed any material facts. I also declare that I have been authorised by the other applicants to sign this verification.

I sign this verification on this the 8th day of August, 1995.

Place : Guwahati

Date : 7-8-95,

Ganesh Ch. Barman
SIGNATURE

ANNEXURE -1

CUSTOMS AND CENTRAL EXCISE : SHILLONG

ESTABLISHMENT ORDER NO. 249/92

DATED, SHILLONG THE 31ST AUGUST, 1992

Subject : Promotion Examination for Gr. D Officers
for promotion to the grade of L.D.C. held
on 14th & 15th April, 1992.

The result of the above mentioned Examination held on 14th & 15th April '92 is declared as under :

Note :- (P) indicate paper in which the candidate has passed

(F) indicate paper in which the candidate has failed

(A) indicate paper in which the candidate has absent

(-) indicate paper passed in the earlier Examination.

Roll No.	Name	Paper			Remarks
		I	II	III (type test)	
1	2	3	4	5	6
	S/Shri				
1.	B.F. Sohkheth	-	-	F	
2.	A.M. Kharbamon	-	-	F	
3.	Motuir Rahman	-	-	F	
4.	Lok Nath Deka	-	-	F'81	
5.	Jogen Moshahary	-	-	F	
6.	Mrioil Barua	P	P	F	
7.	D.B. Lama	P	P	F	
8.	Sudam Ch. Dhar	-	-	F	
9.	Ratan Sengupta	P	P	P	Pass in all subjects
10.	Kripamoy Das	-	-	P	-do-
11.	Debashish Chakraborty	-	-	P	-do-
12.	Sankar Chakraborty	-	-	P	-do-
13.	Riazul Hussain	P	P	F	

Attested
by
Adv.

Ganesh Ch. Barman

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ANNEXURE- 1 (Contd.)

1	2	3	4	5	6
14. Padma Kanta Deka Barman	-	-	P		Pass in all Subjects
15. D.P.Haokip	P	P	P		-do-
16. M.Snbol Singh	P	P	P		-do-
17. M.Mani Singh	-	-	A		
18. S.I.Singh	P	P	A		
19. S.A.Singh	-	-	A		Passed in all subject.
20. Monu Gogoi	-	-	F		
21. Kailash Tewari	-	-	P		Passed in all subject
22. Shymal Kr. Das	-	-	P		Passed in all subject
23. Subhash Chak- raborty	-	-	P		-do-
24. V.Thangziala	A	A	A		
25. Liladhar Saikia	P	P	P		Passed in all subjects
26. Sahabudding Ah- med	P	P	P		-do-
27. Hemakanta Baruah	-	-	P		-do-
28. Binod Changmai	-	-	F		
29. Naraiyan Kogyung	-	-	P		Passed in all subjects
30. Deben Pathori	-	-	F		
31. Pradip Das	A	A	A		
32. M.Rahaman	P	P	P		Passed in all subjects
33. S.Ch. Roy	p	P	P		-do-
34. Lohit Gogoi	-	-	F		
35. Sarat Talukdar	P	P	P		Passed in all subjects
36. Ramen Kr.Das	P	P	P		-do-
37. Banamali Das	-	-	P		Passed in all subjects
38. Khagen Baishya	-	-	P		-do-
39. Kushal Ch.Saikia	-	-	F		
40. Ajit Ch.Bora	-	-	F		
41. P.K.Saiman	-	-	F		
42. Ranjan Kr.Das	P	P	F		
43. H.Bora	F	F	F		
44. D.Basumatory	-	-	F		
45. Umesh Ch.Bora	-	-	P		Passed in all subjects
46. Kamal Gogoi	-	-	F		
47. Baharul Islam	P	P	F		

Approved
@
for

Ganesh Ch. Barman

ANNEXURE-1 (Contd.)

1	2	3	4	5	6
48.	P.Kr. Nath	P	P	P	Passed in all Subjects
49.	Hazarat Ali	P	P	P	-do-
50.	Sitendra Ch.Roy	P	P	F	
52.	Numal Ch.Sonowal	-	-	P	Passed in all subjects
53.	Sarat Ch. Hazarika	-	-	F	
54.	Bijoy Krishna Deb	-	-	F	
55.	Torun Ch.Gogoi	-	-	F	
56.	Pulin Dehingia	P	P	F	
57.	Budheswar Dehingia	-	-	F	
58.	Swapan Kr.Seal	P	P	P	Passed in all subjects

sd/- D.D.INGTY

ADDITIONAL COLLECTOR (P & V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

Approved
Chandra
AdV.

Ganesh ch. Barman

CUSTOMS AND CENTRAL EXCISE : SHILLONG

C. No. II(31)12/ET.II/93/

Dated :-

ESTABLISHMENT ORDER NO 144/94

DATED SHILLONG THE 16TH MAY 1994

Subject : Promotion Examination for Gr. D Officers for promotion to the grade of L.D.C. held on 20th and 21st December 1993-

Publishing of result reg :-

The result of the above mentioned Examination held on 20th and 21st December, 1993 is declared as under :-

Note :- (P) indicate paper in which the candidate has passed

(F) indicate paper in which the candidate has failed.

(A) indicate paper in which the candidate has absent.

(-) indicate paper passed in the earlier Examination.

Name of Division	Name of Candidate	Roll No.	Paper			Remarks
			I	II	III	
1	2	3	4	5	6	7
Hqrs. Office	B.F. Sohkhiet	SHEX-1	-	-	P	
	A.M. Kharbamon	SHEX-2	-	-	P	
	Matuir Rahman	SHEX-3	-	-	P	
	Lok Nath Deka	SHEX-4	-	-	P	
	Jogen Moshahary	SHEX-5	-	-	P	
	Mridul Barua	SHEX-6	-	-	P	
	D.B. Lama	SHEX-7	-	-	P	
(Agartala)	Sudam Ch Dhar	SHEX-8	-	-	P	
(Dibrugarh)	Raizul Hussain	SHEX-9	-	-	P	
"	Surjya Kanta Das	SHEX-10	P	P	P	

Attested
By
Adv.

Ganesh Ch. Barman

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-20-

ANNEXURE -2 (Contd.)

1	2	3	4	5	6	7
Imphal	Y.Mani Singh	SHEX-11	-	-	A	
	S.I.Singh	SHEX-12	-	-	P	
Tinsukia	Monu Gogoi	SHEX-23	-	-	F	
Jorhat	Binod Changmai	SHEX-14	-	-	F	
Digboi	Sarat Ch.Hazarika	SHEX-15	-	-	P	
	Binoy Kr.Deb	SHEX-16	-	-	P	
	Torun Ch.Gogoi	SHEX-17	-	-	F	
	Pulin Dehingia	SHEX-18	-	-	A	
Jorhat	Deben Pathori	SHEX-19	-	-	P	
	Pradip Das	SHEX-20	A	A	A	
Jorhat	Lohit Gogoi	SHEX-21	-	-	P	
Tezpur	P.K.Daimari	SHEX-22	-	-	P	
	Ranjan Kr. Das	SHEX-23	-	-	P	
	D.Basumatory	SHEX-24	-	-	A	
	Kushal Ch. Saikia	SHEX-25	-	-	A	
	Kamal Gogoi	SHEX-26	-	-	P	
	Budheswar Dehingia	SHEX-27	-	-	P	
	Hireswar Bora	SHEX-28	P	P	P	
	R.R.Bora	SHEX-29	A	A	B	
	Ajit Ch.Bora	SHEX-30	-	-	P	
Guwahati	G.Ch.Barman	SHEX-31	P	P	P	
Silchar	V.Thangziala	SHEX-32	A	A	A	
Dhubri	Baharul Islam	SHEX-33	-	-	P	
	Ranjit Kr.Barga- yary	SHEX-34	P	P	P	
	Sitendra Ch.Roy	SHEX-35	-	-	P	

Sd/- EVA M.R.HYNNIEWTS
Deputy Collector (P & V)
Customs and Central Excise:Shillong

Attested
By
[Signature]

Ganesh Ch. Barman

C.No. II (31) 12/ET.II/93 Dated :-

Copy forwarded for information and necessary action to :

1. The Assistant Collector, Customs and Central Excise, _____ (All). Copy meant for concerned candidates are enclosed for delivery.
2. Supdt. (Hqrs), Customs and Central Excise, Shillong. Copy meant for concerned candidates are enclosed for delivery.

Enclo : As above

Sd/- EVA M.R.HYNNIEWTA
Deputy Collector (P&V)
Customs and Central Excise:Shillong

Attested
By
[Signature]

Ganesh Ch. Barman

22- 24
ANNEXURE -3

CUSTOMS AND CENTRAL EXCISE :: SHILLONG

ESTABLISHMENT ORDER NO. 249/95

DATED, SHILLONG THE 4th AUGUST, 1995

Subject : Termination of service of Smti.
Lidaris Syiemiong, L.D.C.

As Smti. Lidaris Syiemiong, L.D.C. could not acquire the requisite educational qualification within the stipulated period her service as L.D.C. is hereby terminated with effect from 07.08.95 (F/N).

This issues in concurrence with Ministry's communication F. No. A-12012/25/94-Ad-III-B dated 29.04.05

Sd/- J L NGILNELA
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS AND CENTRAL EXCISE : SHILLONG

C. No. II(31)7/ET-11/90 15406-11(A) dated 4.8.95

Copy for information and necessary action to :

1. The Superintendent (Training Cell), Customs and Central Excise, Shillong. He is requested to relieve Smti Lidaris Syiemiong, L.D.C. w.e.f. 07-08-95 (F/N) positively. Copy meant for Smti. Syiemiong is enclosed.
2. Smti. Lidaris Syiemiong, L.D.C.
3. C.A.O./P.A.O/A.C.A.B, Customs and Central Excise, Shillong.
4. Confidential Branch of Hqrs. Office, Shillong.
5. Guard File.

Sd/- J.L.NGINNELA
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS AND CENTRAL EXCISE : SHILLONG

Attested
Chhels
Adm.

Ganesh Ch. Barman

CUSTOMS AND CENTRAL EXCISE ; SHILLONG

ESTABLISHMENT ORDER NO. 222/95

DATED SHILLONG THE 17th JULY, 95

In exercise of powers vested vide Ministry's letter N.No. A-12012/45/90-AD-III-B dated 10.04.90, a superanumerary post of Library Assistant in the pay scale of Rs950-20-1150-EB-25-1500 is hereby created in view of the extraordinary circumstances arising out of compassionate appointment case of Ms. Lidaris Syiemiong, W/o late Peter Lyngdoh Ex-Inspector of Customs and Central Excise, Shillong who expired while on duty. For being eligible to be appointed in the said post, the incumbent will have to have knowledge of book keeping and proficiency in basic account-keeping and English.

Consequent upon the above creation, 1(one) post of L.D.C. from compassionate-appointment quota is hereby diverted as matching saving.

Sd/- L.R.Mithran

Commissioner of Central Excise:Shillong

C. No. II(31)7/ET.II/90 14354-61/A Dated 17 JUL 1995

Copy forwarded for information and necessary action to :

1. Sri R.K.Mitra, Under Secretary, Section Ad.III.B, Central Board of Excise & Customs, New Delhi.
2. The P.A.O./C.A.O. of Hqrs.Office, Shillong.
3. The A.C.A.O(Accts) of Hqrs. Office, Shillong
4. The Superintendent(Training Cell) of Hqrs. Office, Shillong.
5. Ms. Lidaris Syiemiong.
6. General Secretary, Gr.'C' Executive Officers' Association/Gr.'C' Ministerial Officers' Association Group 'D' Officers' Association, Shillong.
7. Guard File.

Sd/- EVA M.R.HYNNIEWTA

DEPUTY COMMISSIONER (P & V)

CUSTOMS AND CENTRAL EXCISE : SHILLONG

Attested
Chh
A.W.

Ganesh Ch. Barman

ANNEXURE -5

OFFICE OF THE COLLECTOR OF CUSTOMS AND
CENTRAL EXCISE : SHIELONG

C.No. 11/31/7/ET.II/90

Dated 4.8.1995

With reference to his/her application/interview/recommendation of the Staff Selection Commission Shri/Smti Lidaris Syiemiong is hereby offered a temporary post of Library Assistant in the scale of pay Rs. 950-20-1150-EB-25-1500 plus the usual allowances as sanctioned by the Government of India. His/her appointment will be subject to the following terms and conditions.

- i. The appointment is purely temporary and will be governed by the C.C.S. (T.S.) Rules 1965 and is liable to termination without assigning any reason under Rules 5.
- ii. He/She will be on probation for period of two years which may however be extended at the discretion of the appointing authority.
- iii. He/She will have to comply with requirements of the C.C.S. (Conduct) Rules, 1964 and the plural Marriage Act. All Rules or Orders already in existence or issued from time to time regarding attendance duties discipline, conditions of service etc. will automatically be applicable to him/her.
- iv. He/She must be willing to serve any where within the jurisdiction of this Collectorate.
- v. He/She should give a declaration of his/her town for the purpose of L.T.C. within 6 (six) months from the date of entry in to service.
- vi. He/She should pass the prescribed Departmental Examination within two years of his/her appointment failure to which may lead to his/her service being terminated.

Attested
Chhinder
Adv.

Ganesh Ch. Barman

- vii. That the seniority of the candidate of direct recruit vis-a-vis promotees will be assigned according to the Instruction issued by the Ministry from time to time.
- viii. His/her retention in service in future subject to his/her being found suitable for Govt. service in all respect.
- ix. His/her appointment is subject to the production of medical certificate of Fitness from the Civil Surgeon/Assistant Surgeon in case of Group 'D' staff only and subject to his/her taking an oath of allegiance to the Constitution of India.
- x. He/She is liable to Transfer/Posting within the Collectorate to which he/she is nominated and under no circumstance/his/her request for transfer to any other Collectorate will be entertained.
- xi. Applicable to candidates appointed on compassionate ground.
 - a) The appointment is purely provisional subject to satisfactory Police Verification Report.
 - b) The educational qualification has been relaxed as a special case. He/She has to acquire requisite educational qualification viz. _____ class within two years from the date of appointment.
 - c) He/She should acquire the requisite speed in type writing as failure to pass the type writing test will debar him/her from drawing increments in the pay scale and he/she will not be entitled to the confirmation.
- xii. Applicable to candidates claiming to be belonging the Scheduled Castes/Scheduled Tribes :

"The appointment is provisional and is subject to the caste/tribe certificate being verified through the proper channels and if the verification reveal

Attended
Chh. Adv.

Ganesh Ch. Bakman

ANNEXURE-5 (Contd.)

"that the claim to belong to SC/ST, as the case may be, is false, the services will be out prejudicial such further action as may be taken under the provisions of the Indian Penal Code for production of false Certificate.

2. If the offer is accepted by him/her, he/she should report for duty to the Additional Commissioner of Customs & Central Excise, Shillong immediately, but in any case not later than 15 (fifteen) days from the date of receipt of this offer. If he/she fails to do so, the offer of appointment will be treated as cancelled.

3. He/She should submit the following documents alongwith him/her joining report.

- i. The Medical fitness certificate in the form enclosed obtainable from the Civil Surgeon/ Assistant Surgeon on production of the enclosed latter to him/her.
- ii. The original Matriculation Certificate and other Certificate in support of age, educational qualification etc.
- iii. If he/she claims to be member of SC/ST, he/she should submit the original certificates in support of his/her statement mentioned in the enclosed from duly signed by any of the following Officers.
 - a. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Dy. Commissioner/Dy. Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate Extra Assistant Commissioner.
 - b. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
 - c. Revenue Officer not below the rank of Tehsildar.

Attested
By
[Signature]
[Signature]

Ganesh Ch. Baidman

- d. Sub-Divisional Officer of the area where the candidates and or his family normally resides
- iv. Two certificate of character in the enclosed form not more than three month old from two gazetted Officer. One of the Certificates should be attested by the District Magistrate or Sub-Divisional District Magistrate or their superior Officer.
- v. ~~X~~ A declaration in form enclosed regarding marriage.
- vi. No Objection Certificates from his/her previous employer and release order from his/her employer accepting his/her resignation from that service.
- vii. Attenstation form in triplicate duly filled in.
- viii. Employment Exchange Registration Card in original.
4. No Travelling or other allowances will be paid to him/her for obtaining the Medical or other Certificates.

Sd/- J.L.NGILNEIA
ADDITIONAL COMMISSIONER (P&V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

To

C.No. II(31)7/ET II/90 Dated _____
Copy forwarded to the Assistant Collector Customs and Central Excise, _____ for information & Necessary action.

A copy of the joining report alongwith an attested copy of each certificate showing his/her age, educational qualification and caste Employment Exchange Registration Card (in original) etc. may please be sent to this office immediately after his/her joining.

He should obtain the oath of allegiance from the official and entry to this effect should also be made in the Service Bool.

2. Copy to the personal file.

Sd/- J.L.NEILNEIA
ADDITIONAL COMMISSIONER (P & V)
CUSTOMS & CENTRAL EXCISE : SHILLONG

Garish Ch. Barman

*Attested
@ Shillong
Adv.*